

# HOUSE BILL REPORT

## ESHB 1231

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### As Amended by the Senate

**Title:** An act relating to promoting the recycled content of products and buildings.

**Brief Description:** Promoting the recycled content of products and buildings.

**Sponsors:** By Agriculture & Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/6/95, 3/1/95 [DPS].

**Floor Activity:**

Passed House: 3/9/95, 81-13.

Senate Amended.

Passed House: 1/26/96, 93-3.

Senate Amended.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

**Minority Report:** Do not pass. Signed by 1 member: Representative Honeyford.

**Staff:** Rick Anderson (786-7114).

**Background:** In 1991, the Legislature enacted a measure to increase state and local government procurement of recycled content products.

State Agency Requirements:

The 1991 legislation directed the Department of General Administration to adopt recycled content standards for several types of products in order to stimulate markets for products with recycled content and to establish a leadership role for state agencies. The department was also required to prepare a mandatory plan for state agencies to increase their recycled content product purchases. The plan was to achieve a

graduated increase in purchases of paper and compost. Other specified product categories were to be included in the plan.

The department was also required to develop a data base of product vendors and report to the Legislature on the cost of making the data base accessible to local governments and the private sector. The department was directed to provide technical assistance to state and local procurement officers, and make available to local governments, model procurement guidelines for recycled content products.

The State Printer was given specific percentage purchase requirements for paper, as was the Department of Transportation for compost.

Local Government Requirements:

Local governments having supply expenditures greater than \$500,000 in 1989 were directed to review their existing procurement policies and specifications with a goal of including recycled products. By 1994, these local governments were required to adopt a minimum purchasing goal for recycled products and adopt a strategy to reach the goal.

Cities and counties required to plan were also required to purchase specified percentages of compost products.

Vendor Requirements:

Vendors were required to certify the percentage of recycled content in products sold to the state and to local governments, pursuant to the department rules adopted by May 1, 1992.

Implementation of 1991 Legislation:

Implementation of this legislation has not been well documented but is thought to be low. According to the department, two factors in particular have contributed to the less than expected implementation.

First, the biennial budget adopted in 1991 provided funding to the Department of General Administration for implementation of the legislation. The 1992 supplemental budget deleted the majority of funding, and the department has been unable to provide technical assistance to local governments, or to effectively monitor local government implementation of the legislation.

Second, legislation enacted in 1993 allowed state agencies to purchase materials, supplies, services, and equipment directly from vendors when the department is notified that an item may be purchased at lower cost than through the Department of General Administration. The Department of General Administration is unable to control the recycled content of materials purchased by state agencies.

**Summary of Bill:** The department is required to adopt recycled content standards for panelboard and compost products. Compliance dates established in the 1991 legislation are extended one to five years, depending on the requirement. The goals for state agency paper and compost purchases are increased. The State Printer's recycled content paper purchases are increased to 90 percent by 1999.

The mandatory state plan to be developed by the Department of General Administration is changed to a strategy. The sections of law requiring vendors to certify the recycled content of their products and the department to increase compost product purchases are repealed.

Specifications in state construction projects must include the use of recycled-content products, whenever practicable. Material from demolition projects must be recycled or reused whenever practicable. The legislation is null and void if \$500,000 is not appropriated to implement this act.

**EFFECT OF SENATE AMENDMENT(S):** The Senate striking amendment adopts federal recycled content standards and deletes a null and void clause requiring an appropriation of \$500,000.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Bill:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void if \$500,000 is not appropriated to implement this act.

**Testimony For:** The bill enhances markets for recycled materials by promoting public purchases of goods that contain recycled materials. If markets do not exist for these materials, then recycling cannot be sustained. The bill will save the state money.

**Testimony Against:** The bid preference for state construction projects will cost the Department of Transportation millions of dollars. The recycled content standards need to be consistent with federal standards.

**Testified:** Oliver Fraser (pro); Ken Duncan (pro); John Paul Jones, Washington Refuse and Recycling Association (pro); Danielle Purnell, City of Seattle/Solid Waste (pro); John Paul Jones III (pro with concerns); Jim Bush, Department of Transportation (con on sections 9 and 10); Becky Bogard, American Forest & Paper Association (comments); Bill Vogler, Washington State Association of Counties (comments); and Mary Grace Jennings, Department of General Administration (comments).